

REMARKS

Applicant is herewith filing a Request for Continued Examination to advance prosecution. Applicant thanks Examiner Wu and SPE Hayes for the courtesy of participating in telephonic interviews with applicant's representatives on May 24, 2006, June 29, 2006 and July 7, 2006.

Applicant has amended claims 1, 20 – 26, 31, 34 and 37 to make clear that the price modifications referenced in the claims apply to the price to be paid by a customer for items purchased in the customer's order. Support for this amendment appears throughout the specification as filed, *e.g.*, page 3 ("Once a price is determined ... a response is provided to the customer with a specific price for that item.") and page 8 ("Rules may also implement ... promotions that are targeted to the customer ...").

No new matter has been added by the amendments.

In the final office action dated April 7, 2006, Claims 1-17, 19-28, 31, and 33-37 have been rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Maritzen et al. (U.S. Patent No. 5,987,429). Claims 18, 29-30 and 32 have been rejected under 35 U.S.C. § 103(a) based upon the rejection of the independent claims. As described in more detail in the Office Action Response on January 17, 2006, applicant's system relates to using both static and dynamic calculators to determine the price of items in a customer's order. Applicant has amended the independent claims to further clarify that the claimed modifications to the order apply to the price to be paid by the customer for the order.


Maritzen, by contrast, calculates and accumulates taxes and fees due to third parties, not to making modifications to the price to be paid by the customer. (*See* Col 6, ll. 55 – 57). In fact, the price paid by the customer for the order is supplied by Maritzen as a fixed input to the tax and fee calculation engine described in Maritzen. (*See* Fig. 3, "PURCHASE OBJECT"). Thus, contrary to the Examiner's assertion, the Maritzen patent does not disclose the use of static and dynamic calculators for making price calculations to determine the amount to be paid by the consumer for an order. The Maritzen patent does not disclose any modification at all to the price to be paid by the customer.

Applicant submits that the present amendment places the application in condition for allowance and requests expedited notification of such allowance.

The Director is hereby authorized to charge any payments that may be due in connection with this reply to Wilmer Cutler Pickering Hale and Dorr LLP Deposit Account No. 08-0219.

Respectfully submitted,

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